

Exhibit “J” to Amended Verified Petition

APPLICATION
For
SPECIAL EXCEPTION USE PERMIT

TO: PLANNING BOARD
TOWN OF MONTGOMERY
ORANGE COUNTY

: For Board Use Only:

: Application No. _____

: Date Rec'd. _____

: Date of Hearing _____

: Date of Action _____

: Action: _____

: _____

: _____

I I (We) MEHLON TRUCKING INCORPORATED
NAME OF APPLICANT (S)

<u>P.O. Box 519</u>	<u>Wallkill, New York</u>	<u>(914) 895-2700</u>
Address - Street Number	Town	Phone #

Hereby petitions the Planning Board of the Town of Montgomery for a Special Exception Use Permit under Section (s) 60-10,E; Sec. 130-40-30.30 and 30.34 of the Zoning Law of the Town of Montgomery for the following use(s):
The blasting, loading, hauling and processing of shale from an 18.1 acre mine located in a 159.9 acre parcel owned by applicant.

II STATEMENT OF OWNERSHIP

The applicant(s) (is-are) the owner(s) (tenant) of real property situate at the following address: Kings Hill Road at the town line with 1910.8 feet of road frontage.
Centerline of access road is approximately 100' from Kings Hill Circle.
name of road - distance from nearest intersection.

Brief description of property

Bounded on the North by	<u>Town of Newburgh, Orange County and Town of Shawangunk, Ulster</u>
Bounded on the East by	<u>Town of Newburgh</u>
Bounded on the South by	<u>Kings Hill Road</u>
Bounded on the West by	<u>Several parcels, Town of Montgomery</u>

Metes and bounds description:

(If space here is inadequate attach copy of deed description to this Application)

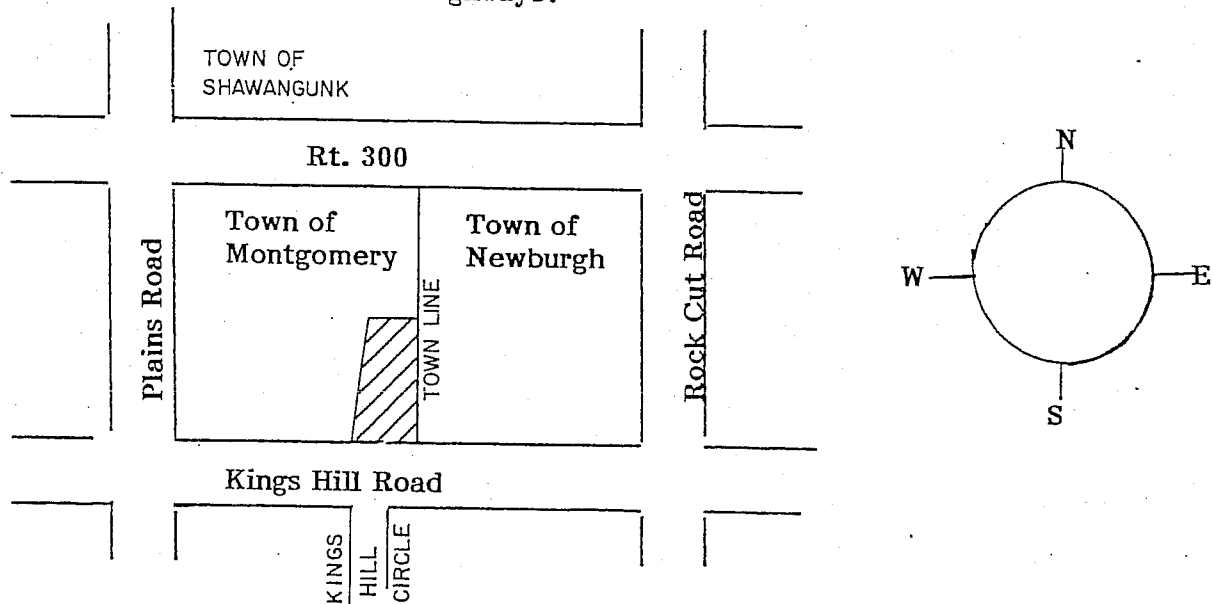
See attachment "A"

The following are the names and addresses of all property owners within 300 feet of described premises:

Name	Address
1. See attachment "B"	
2.	
3.	
4.	
5.	
6.	

(If more space is needed attach list of names and addresses)

On diagram below locate property in relation to adjacent highway and in relation to nearest intersection of other highways.



Attach a survey showing property boundary lines, placement of buildings (with distances shown to nearest boundary line and other buildings), spaces provided for required parking, all proposed fences or living screening, signs, entrances to public highways, septic or sewage system, show all other construction and locations of uses proposed for the site. Topography should also be indicated.



See attached Engineering Plans

III SPECIAL EXCEPTION USE REQUESTED:

Give a statement regarding the use desired, discuss the reasons permit is desired, cover the conditions and standards required under, Sections 130-40, 130-40-10, 130-40-20, 130-40-30 and other pertinent sections of the zoning law.

Mehlon Trucking proposes to use 18.1 acres (40% of which is an existing shale mine) for a shale mining operation. The mine will produce approximately 820,000 cubic yards (in place) of graded, crushed shale. A mined land-use plan has been submitted to the New York State Department of Environmental Conservation (NYSDEC), which also addresses the conditions of Sections 130-40-30.30 and 130-40-30.34 of the zoning law. This plan is attached. The plan calls for a 15-year life span of the mine. Reclamation will be concurrent and will be completed within 6 months after the cessation of shale removal. The site will be reclaimed to a meadow land-use which is consistent with the RA-1 zoning. The mined land-use plan discusses in detail the mining procedures and the environmental controls to protect the public.

The undersigned applicant (s) hereby declare (s) to the best of his, her, (their) knowledge and belief the statements contained in this application, together with the plans and specifications are true, correct and complete.

Dated : 8-26-88

ATTACHMENT "A"
DESCRIPTION

All that certain piece, parcel or tract of land situate, lying and being located in the Town of Montgomery, County of Orange and State of New York, being more particularly described as follows:

Beginning at a point in the centerline of Kings Hill Road, said point being located S.22°-25'-40"W., from an iron pin found at the southwesterly corner of lands now or formerly of Calvano as described in Liber 1832 at page 307 and running thence,

Along the centerline of said Kings Hill Road, the following 6 courses:

1. N.60°-29'-48"W., 186.51 feet,
2. N.62°-06'-13"W., 249.00 feet,
3. N.63°-32'-28"W., 194.20 feet,
4. N.62°-50'-00"W., 258.16 feet
5. N.62°-29'-01"W., 449.54 feet,
6. N.61°-42'-08"W., 573.39 feet to a point; thence,
7. N.28°-22'-27"E., 444.56 feet leaving said road and following along a stone wall and the lands now or formerly of Cannon as described in Liber 2097 at page 913 to an iron pin found in the southerly side of a 225' wide utility easement, said point also being Cannon's northeasterly corner; thence,
8. N.28°-01'-53"E., 2073.34 feet along said stone wall and along the lands now or formerly of DiMartino, and of York, Ohliger and Amthor part way to a stone wall intersection; thence,
9. N.28°-22'-27"E., 789.62 feet still along said stone wall and Amthor's lands and the lands now or formerly of Watson to a point; thence,
10. N.25°-00'-50"E., 755.34 feet along said Watson's lands to a stone wall corner also being the southeasterly corner of lands now or formerly of Regan, and the southwesterly corner of lands now or formerly of Carfizzi, said point also being on the dividing line between the County of Orange on the south and the County of Ulster on the north; thence,
11. S.64°-18'-49"E., 423.68 feet along said dividing line and the lands of said Carfizzi and a stone wall to a point; thence,
12. S.61°-07'-39"E., 236.28 feet along the same to an intersection of stone walls; thence,
13. S.65°-03'-34"E., 317.88 feet along the same to a point; thence,
14. S.62°-58'-14"E., 342.00 feet along said lands of Gardiner and said dividing line passing over an iron pipe found at 1.34 feet to a standing stone found in a stone wall corner, marked "VDW"; thence,

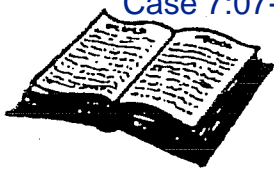
15. S.62°-41'-14"E., 261.20 feet along a stone wall and other lands now or formerly of said Gardiner Construction lands to a point in a stone wall corner, said point being 0.77' southeast of an X-cut found, said point being the dividing line between the Town of Montgomery on the west and the Town of Newburgh on the east; thence,
16. S.26°-53'-48"W., 199.64 feet along said dividing line and lands now or formerly of said Wilson to a point; thence,
17. S.23°-56'-43"W., 911.21 feet along division line and the westerly line of a group of lots as depicted on filed maps numbered 4031 and 4032 in the Orange County Clerk's office, passing over three iron pins found on line to a stone wall corner; thence,
18. S.24°-43'-53"W., 386.87 feet along said division line and stone wall and still along the westerly line of said subdivision part way and the lands now or formerly of Longo to a point; thence,
19. S.22°-14'-13"W., 536.24 feet along the same to a point; thence,
20. S.22°-33'-59"W., 494.07 feet along the same to a point; thence,
21. S.21°-45'-56"W., 1341.22 feet along the same to a point and the northwesterly corner of lands now or formerly of Calvano; thence,
22. S.22°-25'-40"W., 243.57 feet along the same and said Calvano's lands to the point or place of beginning.

Containing 159.9 acres of land, more or less

WEHRAN ENGINEERING, P.C.

August 23, 1988
(WE Project No. 07534)

/pn



TOWN OF MONTGOMERY

CASSANDRA J. GALUS, I.A.O.

Sole Assessor

74 Main Street, Town Hall

Walden, N. Y. 12586

(914) 778-1201

Attachment "B"

300 FOOT SURVEY
AROUND PARCEL

3-1-96.22 & 3-1-86

Mehlon Trucking Inc.
RD 1, Rockcut Rd.
Walden, NY 12586

OWNERSHIP ON LATEST FINAL ROLL

UPDATED CURRENT OWNERSHIP

B-w/s

3-1-111

Watson, Norman & Georgianna
Plains Rd.
RD 1 Box 237C
Walden, NY 12586

3-1-87

Amthor, Arnold G. & Alice M.
Rd 1, Loch Lane
Walden, NY 12586

3-1-91

Ohliger, Ernest J.
Plains Rd.
RD 1 Box 226
Walden, NY 12586

3-1-92

York, Harry & Mary H.
10011 Granite Lane
Orlando, Fla. 32821

3-1-60.222

DiMartino, Joseph & Gail
Box 96C
St. Andrews Rd.
Walden, NY 12586

3-1-60.5	Cannon, Jack W. & Anna Marie Kings Hill Rd. Rd 1, Box 217 Walden, NY 12586	_____
3-1-60.3	Cannon, Jack W. & Anna Marie (same as above)	_____
B-n/s -	ULSTER COUNTY LINE	
B-e/s -	TOWN OF NEWBURGH	
<u>B-s/s</u> -	KINGS HILL ROAD	
3-1-118	DiLorenzo, Joseph A. & Maragret L. Kings Hill Rd. Rd 1 Box 217D Walden, NY 12586	_____
3-1-60.4	Forisano, John H. & Marie Pia PO Box 2311 Newburgh, NY 12550	_____
3-1-96.21	Walker, Joseph Jr. & Sharen S. Kings Hill Rd. Walden, NY 12586	_____
7-1-20	Gullo, Peter B. & Mary L. Kings Hill Road Walden, NY 12586	_____
7-1-21	Mayewski, John J. & Shirley A. Waterbury Rd. Warwick, NY 10990	_____
7-1-19	Baxter, William L. & Linda K. RD 1, Loch Lane Walden, NY 12586	_____
7-1-18	Reinhard, Robert Jr. & Maybelle E. RD 1, Loch Lane Walden, NY 12586	_____
7-1-1	Stelljes, Herman M. & Joyce E. 2 Snowden Dr. RD 1 Walden, NY 12586	_____
7-1-2	Stelljes, Herman M. & Joyce E. (same as above)	_____

7-1-3	Jansen, Robert W. & Joan Lois 6 Snowden Dr. RD 1 Walden, NY 12586	_____
7-2-1	Reinhard, Merritt F. & Mildred T. 1 Snowden Dr. RD 1 Walden, NY 12586	_____
7-2-2	Richburg, James A. & Sarah M. RD 1, Kings Hill Rd. Walden, NY 12586	_____
7-2-4	Brocker, William F. & Delia M. RD 1, Box 214A Kings Hill RD. Walden, NY 12586	_____
7-2-14	Morse, Henry E. 3 Snowden Dr. Walden, NY 12586	_____
7-2-6	Gridley, Thomas G. & Carol Jean 4 Maidstone Dr. RD 1 Walden, NY 12586	_____
7-3-1	Wilson, Robert A. & Natalie M. RD 1, 1 Maidstone Dr. Walden, NY 12586	_____
7-3-2	Duffy, Alfred P. & Patricia M. RD 1, 3 Maidstone Dr. Walden, NY 12586	Burke, Leo T. & Kathleen A. RD 1, 3 Maidstone Dr. Walden, NY 12586

No Municipal properties within 500 feet.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BUREAU OF MINERALS

ORGANIZATIONAL REPORT

INSTRUCTIONS:

1. Two (2) copies of Form 85-15-1 shall be filed with the New York State Department of Environmental Conservation by every person acting as a principal or agent for another or independently engaged in mining or in the drilling for, production of, or underground storage of oil, gas or brine in the State of New York.
2. An updated copy of Form 85-15-1 shall be filed as specified above within ten (10) days of any change to the facts stated in the most recent report filed with the Department.
3. The form shall be completed by typewriter, or printed in black ink, and be signed by a responsible individual who has full and correct knowledge of the facts stated.

TYPE OF FILING (Check One) <input checked="" type="checkbox"/> Original Filing <input type="checkbox"/> Revised Report		2. TYPE OF ACTIVITY (Check One) <input checked="" type="checkbox"/> Mining <input type="checkbox"/> Oil, Gas or Brine	
FULL NAME OF THE COMPANY, ORGANIZATION, INDIVIDUAL OR MUNICIPALITY MEHLON TRUCKING INCORPORATED			4. TELEPHONE NO. (914) 895-2700
MAILING ADDRESS (P.O. Box or Street Address, City, State, Zip Code)			

P.O. Box 519
Wallkill, N.Y. 12589

NEW YORK STATE MAILING ADDRESS

SAME

TYPE OF ORGANIZATION (State whether Individual, Partnership, Company, Corporation, Governmental Agency, or Municipality)

Corporation

NAME, TITLE AND ADDRESS TO WHOM ALL CORRESPONDENCE SHOULD BE SENT

Mr. Leon Mehl, President
Mehlon Trucking Incorporated
P.O. Box 519
Wallkill, N.Y. 12589

PRINCIPAL OFFICERS OR PARTNERS (Names, Titles and Addresses) (If an Individual, go directly to Item 10)

Mr. Leon Mehl, President RD 1 Walden, N.Y. 12586

Mrs. Dixie Mehl, Secretary and Treasurer RD 1 Walden, N.Y. 12586

I hereby affirm under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements made here-in are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE (Print or Type)

SIGNATURE

x

DATE

FOR DEPARTMENT USE ONLY

14-16-2 (2/87)-7c

617.21

SEQR

Appendix A

State Environmental Quality Review

FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE—Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☒ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

* A Conditioned Negative Declaration is only valid for Unlisted Actions

Kings Hill Road Shale Mine

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

PART 1—PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION <u>Kings Hill Road Shale Mine</u>		
LOCATION OF ACTION (Include Street Address, Municipality and County) <u>Kings Hill Road, Town of Montgomery, Orange County, New York</u>		
NAME OF APPLICANT/SPONSOR <u>Mr. Leon Mehl, President, Mehlon Trucking Inc.</u>		BUSINESS TELEPHONE <u>914, 895-2700</u>
ADDRESS <u>Post Office Box 519</u>		
CITY/PO <u>Wallkill</u>		STATE <u>N.Y.</u> ZIP CODE <u>12589</u>
NAME OF OWNER (If different) <u>same as above</u>		BUSINESS TELEPHONE <u>()</u>
ADDRESS		
CITY/PO		STATE ZIP CODE
DESCRIPTION OF ACTION <u>Shale mining operation including blasting</u>		

Please Complete Each Question—Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☒ Forest ☐ Agriculture ☒ Other Quarry, Utility Easement

2. Total acreage of project area: 159.9 acres. (Total Site)

APPROXIMATE ACREAGE

Meadow or Brushland (Non-agricultural)

Forested

Agricultural (Includes orchards, cropland, pasture, etc.)

Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)

Water Surface Area

Unvegetated (Rock, earth or fill)

Roads, buildings and other paved surfaces

Other (Indicate type) Utility Easement

PRESENTLY

AFTER COMPLETION

<u>140</u> acres	<u>18.1</u> acres
<u> </u> acres	<u>130.2</u> acres
<u> </u> acres	<u> </u> acres
<u>0</u> acres	<u>0</u> acres
<u>0</u> acres	<u>0</u> acres
<u>8.3</u> acres	<u> </u> acres
<u>1.4</u> acres	<u>1.4</u> acres
<u>10.2</u> acres	<u>10.2</u> acres

3. What is predominant soil type(s) on project site? Both Nassau shaly silt loam, and Rock-Outerop Nassau complex shaly silt loam.
- a. Soil drainage: ☒ Well drained 100 % of site ☐ Moderately well drained % of site
☐ Poorly drained % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? acres. (See 1 NYCRR 370).
4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No
- a. What is depth to bedrock? 0 - >5 feet (in feet)

5. Approximate percentage of projected project site with slopes: ☐ 0-10% 40 % ☐ 10-15% 55 %
☐ 15% or greater 5 %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? ☐ Yes ☒ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No
8. What is the depth of the water table? 0.5 -> 6 (in feet) varies with season and location (Orange County Soils Survey, SCS)
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
☐ Yes ☒ No According to review of Significant Habitat Overlay No. 1 of 2, NYS DEC,
Identify each species NA Bureau of Wildlife
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
☐ Yes ☒ No Describe N/A
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
☐ Yes ☒ No If yes, explain N/A
14. Does the present site include scenic views known to be important to the community?
☐ Yes ☒ No
15. Streams within or contiguous to project area: Unnamed Tributary (Class B) to Tin Brook is 500ft. from site boundary.
a. Name of Stream and name of River to which it is tributary Tin Brook (Class B where unnamed tributary joins it) flows into the Wallkill River (Class B)
16. Lakes, ponds, wetland areas within or contiguous to project area: None
a. Name N/A b. Size (In acres) N/A
17. Is the site served by existing public utilities? ☐ Yes ☒ No (there is an easement through a non-project area of the property)
a) If Yes, does sufficient capacity exist to allow connection? N/A ☐ Yes ☐ No
b) If Yes, will improvements be necessary to allow connection? N/A ☐ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☒ Yes ☐ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 159.9 acres.
- b. Project acreage to be developed: 10.2 acres initially; 18.1 acres ultimately.
- c. Project acreage to remain undeveloped 130.2 acres.
- d. Length of project, in miles: N/A (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed _____ %;
- f. Number of off-street parking spaces existing N/A; proposed N/A.
- g. Maximum vehicular trips generated per hour 2.5 (upon completion of project)? (20 per day)
- h. If residential: Number and type of housing units: N/A
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | _____ | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure _____ height; 40 width; 60 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 1,910.8 ft. = overall property bound along Kings Hill Road (project area is away from public roads).
- N/A = Not Applicable

2. How much natural material (rock, earth, etc.) will be removed from site? 820,000 tons/cubic yard in place
3. Will disturbed areas be reclaimed? ☒ Yes ☐ No ☐ N/A
- a. If yes, for what intended purpose is the site being reclaimed? pasture
- b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No ☐ N/A (no subsoil in mining area)
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 9.8 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
☐ Yes ☒ No
6. If single phase project: Anticipated period of construction _____ months, (including demolition).
7. If multi-phased:
- a. Total number of phases anticipated 5 (number).
- b. Anticipated date of commencement phase 1 Oct. month 1988 year, (including demolition).
- c. Approximate completion date of final phase Sept month 2003 year.
- d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☒ No
8. Will blasting occur during construction? ☒ Yes ☐ No
9. Number of jobs generated: during construction N/A; after project is complete N/A
10. Number of jobs eliminated by this project None during mining operations 3-5
11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No If yes, explain _____
12. Is surface liquid waste disposal involved? ☐ Yes ☒ No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
- b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____
14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No
Explain _____
15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No
16. Will the project generate solid waste? ☐ Yes ☒ No
- a. If yes, what is the amount per month N/A tons
- b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No ☐ N/A
- c. If yes, give name N/A; location N/A
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No
- e. If Yes, explain N/A
17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No
- a. If yes, what is the anticipated rate of disposal? N/A tons/month.
- b. If yes, what is the anticipated site life? N/A years.
18. Will project use herbicides or pesticides? ☐ Yes ☒ No
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☒ Yes ☐ No
21. Will project result in an increase in energy use? ☒ Yes ☐ No
If yes, indicate type(s) Diesel fuel for equipment
22. If water supply is from wells, indicate pumping capacity _____ gallons/minute.
23. Total anticipated water usage per day none gallons/day.
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No
If Yes, explain N/A

N/A = Not Applicable

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City Town, Village Planning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, Town Zoning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Variance	
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DEC - Mining Permit	
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No
If Yes, indicate decision required:
☐ zoning amendment ☒ zoning variance ☐ special use permit ☐ subdivision ☐ site plan
☐ new/revision of master plan ☐ resource management plan ☐ other _____
2. What is the zoning classification(s) of the site? RA - 1 (Residential Agriculture, one and two family)
3. What is the maximum potential development of the site if developed as permitted by the present zoning?
Residential (one and two family residence on 40,000 sq. ft. lot)
4. What is the proposed zoning of the site? SAME
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?
Residential (one and two family residence on 40,000 sq. ft. lot) N/A
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☐ Yes ☒ No
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?
Residential/ zoned RA-1 (Montgomery), AR + R2 (Newburgh), RAg2 (Shawangunk)
8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? ☐ Yes ☒ No
9. If the proposed action is the subdivision of land, how many lots are proposed? N/A
a. What is the minimum lot size proposed? N/A
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? ☐ Yes ☒ No
a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No N/A
12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No
a. If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Wehran Engineering, for Mehlon Trucking Inc. Date _____
Signature Alan Bjornson, C.E.P. Title Senior Environmental Scientist

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 19 questions in PART 2. Answer Yes if there will be any impact.
- Maybe answers should be considered as Yes answers.
- If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

- Will the proposed action result in a physical change to the project site?
☐ NO ☒ YES

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts _____

- Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) ☒ NO ☐ YES

- Specific land forms: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected?
(Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL) ☒ NO ☐ YES

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts: _____

4. Will proposed action affect any non-protected existing or new body of water? ☒ NO ☐ YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts: _____

5. Will Proposed Action affect surface or groundwater quality or quantity? ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: _____

6. Will proposed action alter drainage flow or patterns, or surface water runoff? ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action would change flood water flows.

[illegible]

- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff)
- Other impacts: _____

IMPACT ON AESTHETIC RESOURCES

11. Will proposed action affect aesthetic resources? ☒ NO ☐ YES
(If necessary, use the Visual EAF Addendum in Section 617.21, Appendix B.)

Examples that would apply to column 2

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
 - Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts: _____

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance? ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts: _____

IMPACT ON OPEN SPACE AND RECREATION

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

Examples that would apply to column 2

The permanent foreclosure of a future recreational opportunity.

- A major reduction of an open space important to the community:
- Other impacts: _____

[illegible]

IMPACT ON TRANSPORTATION

14. Will there be an effect to existing transportation systems?

☒ NO ☐ YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts: _____

IMPACT ON ENERGY

15. Will proposed action affect the community's sources of fuel or energy supply? ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts: _____

NOISE AND ODOR IMPACTS

16. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? ☐ NO ☒ YES

☐ NO ☒ YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts: _____

IMPACT ON PUBLIC HEALTH

17. Will Proposed Action affect public health and safety?

☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts: _____

[illegible]

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

18. Will proposed action affect the character of the existing community?
☒ NO ☐ YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.)
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

19. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?
☒ NO ☐ YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or
If You Cannot Determine the Magnitude of Impact, Proceed to Part 3**

Part 3—EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions

Discuss the following for each impact identified in Column 2 of Part 2:

- Briefly describe the impact.
- Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
- Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)